

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

CARL EDWARD WILLIS

PLAINTIFF

v.

Case No. 06-2069

FRANK ATKINSON, GUARD MOULDER,  
GUARD JACOB FINK, GUARD RESTINE,  
CPL. PAUL, CAPT. CONGER, LT.  
JACKSON, OFFICER REILLY, OFFICER  
DUTTON, CRYSTAL REED and ANITA BASS

DEFENDANTS

ORDER

Now on this 9th day of September 2009, there comes on for consideration Plaintiff's motion seeking copies of the tapes from the evidentiary hearing held on June 15, 2009 (Doc. 106) and the report and recommendation filed in this case on July 2, 2009, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 100).

Plaintiff initially had until July 20, 2009 to file his objections to the report and recommendation. The Court granted Plaintiff's motions for extensions of time to object to August 20, 2009 and again to September 4, 2009. In its order of August 26, 2009, the Court advised Plaintiff that no further extensions would be granted (Doc. 105). Plaintiff has failed to file timely written objections to the report and recommendation. Further, Plaintiff was present at the evidentiary hearing to hear all of the testimony, and no transcript was requested or prepared. The Court is not obligated to provide Plaintiff with copies of the tapes from

the hearing at which he was present.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Plaintiff's Complaint is DISMISSED WITH PREJUDICE as the evidence is insufficient to support a finding on Plaintiff's remaining claims. Plaintiff's motion requesting copies of the tapes from the hearing is DENIED, and the bench trial currently scheduled for October 19, 2009 is canceled.

IT IS SO ORDERED.

/s/ Robert T. Dawson

Honorable Robert T. Dawson  
United States District Judge